

Real Estate, Building and Savings Association of Dallas, Texas," have carefully considered the same, and I am instructed to report it back with the accompanying substitute, and recommend the adoption and passage of the substitute.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your committee on State Affairs, to whom was referred House bill No. 469, to be entitled "An act to incorporate the Farmers' Cotton Press Company," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Militia, to whom was referred House bill No. 602, to be entitled "An act to amend an act passed at this session of the Legislature amending the charter of the Galveston Artillery Company," having considered the same, I am instructed to report it back to the Senate and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem.*

On motion of Senator Fountain the Senate took a recess until 12 o'clock by the following vote:

Yeas—Senators Broughton, Dohoney, Evans, Flanagan, Fountain, Rawson, Randle, Ruby, Sayers, Shelley and Tendick—11.

Nays—Senators Avinger, Ball, Dillard, Finlay, Henry, Swift, Word and Mr. President—8.

12 O'CLOCK M.

Recess expired. Roll called. There being no quorum, on motion of Senator Flanagan the Senate adjourned until 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, April 12, 1873.

Senate met pursuant to adjournment Roll called; quorum present.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

Senator Henry, chairman of the Committee on Judiciary No. 1, submitted the following reports:



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 125, to be entitled "An act to prescribe the mode and manner of designating exempted homesteads in certain counties," instruct me to report said bill back to your honorable body and recommend its passage, with the following amendments:

Amend section one, line four, by striking out the words "or less."

Amend section three, lines one and two, by striking out the word "commutative" and inserting the word "cumulative."

Amend the caption by striking out the word "counties" and inserting the word "cases."

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: I am instructed by your Committee on Judiciary No. 1, to whom was referred Senate bill No. 246, entitled "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870, and to repeal so much of section three of said act as gives an appeal from justices' courts on judgments rendered in cases of forcible entry and detainer," to report the same back to the Senate and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 261, entitled "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856," ask leave to report the same back to the Senate and recommend its passage, with the accompanying amendments.

Amend section one, line six, by striking out the words "if any person shall" and inserting the words "any person who."

Same section, line eight, amend by striking out the word "disturb" and inserting the word "disturbs."

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 268, entitled "An act to authorize the County Court of Lamar county to contract for the building of a court house and jail, and to issue bonds for



that purpose," instruct me to report the same back to the Senate, and recommend its passage, with the accompanying amendments.

Amend section seven by adding the following proviso: "*Provided*, that if any holder of said bonds should refuse to receive payments on the principal of said bonds before maturity, and said sinking fund shall accumulate, then the county court shall be authorized to buy up any outstanding bonds with said fund, and have such bond, when so paid off, canceled and destroyed."

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was recommitted House bill No. 116, entitled "An act to amend the first section of an act entitled an act to amend the first section of an act to regulate proceedings in the district court, approved May 13, 1846, approved December 10, 1863," having further examined the same, instruct me to report it back and recommend its passage, with the accompanying amendment.

Amend by striking out the last amendment adopted by the Senate, section one, line seventy, and amending the original bill, section one, line seventy-one, by striking out the word "and."

JOHN L. HENRY, Chairman.

Senator Shelley, chairman of the Committee on Finance, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No 196, to be entitled "An act to provide for the payment of the registered indebtedness of the several counties of this State," having considered the same, and I am instructed to report the bill back with the recommendation that it do not pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 140, to be entitled "An act making an appropriation to defray the contingent expenses of the Thirteenth Legislature," have carefully considered the same, and instruct me to report the bill back and recommend that it do pass.

N. G. SHELLEY, Chairman.



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 172, to be entitled "An act to provide for the assessment and collection of taxes on Railroads," have carefully considered the same, and I am instructed to report it back with the accompanying substitute, and recommend the adoption and passage of the substitute.

N. G. SHELLEY, Chairman.

Senator Latimer made the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and compared Senate bill No. 178, "An act to incorporate the Texas Library and Publishing Company," and Senate bill No. 174, "An act to re-organize the town of Sherman, in Grayson county, Texas, and incorporate said town as the City of Sherman," and find the same correctly enrolled.

H. R. LATIMER, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: I hereby report that I did, on yesterday at 10 o'clock A. M., present to his Excellency the Governor, for his approval and signature, Senate bill No. 62, "An act to incorporate the "Tyler Real Estate and Building Association," and Senate bill No. 72, "An act for the relief of Bertha Staffel."

H. R. LATIMER, Chairman.

Senator Dohoney reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, having had under consideration the memorial of Stephen F. Minter, praying for the issuance of two land certificates for six hundred and forty acres each, instruct me to report said memorial and accompanying affidavits and certificates back to the Senate, with the accompanying bill, and recommend its passage.

E. L. DOHONEY, Chairman *pro tem*.

Senator Sayers introduced "An act to validate, and supplemental to, the charter of the Bastrop Coal Company." Read first time, and referred to the Committee on Internal Improvements.

Senator Ruby introduced a joint resolution instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor



of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston upon that subject the early and favorable consideration of the Congress of the United States.

Senator King introduced the following five several bills, which were read first time and disposed of as indicated:

A bill to organize the county of Green. Referred to Committee on Judiciary No. 1.

A bill to authorize the County Court of Kendall county to levy a special tax to build a court house. Referred to Committee on Judiciary No. 1.

A bill to authorize the County Court of Kendall county to have made a transcript of deeds, mortgages and judgments, etc., from the records of the counties of Bexar, Comal and Blanco. Referred to Committee on Judiciary No. 1.

A bill to authorize the County Court of Mason county to issue interest-bearing bonds for the purpose of funding the present indebtedness of said county. Referred to Committee on Judiciary No. 1.

A bill to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county. Referred to Committee on Judiciary No. 1.

A message was received from the House informing the Senate that the House had passed the following bills, originating in that body:

House bill No. 466, "An act to amend the Penal Code."

House bill No. 23, "An act to create the county of Gregg."

House bill No. 319, "An act to provide for a change of venue in civil causes."

House bill No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railroad."

House bill No. 663, "An act to prohibit the sale of intoxicating liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county."

House bill No. 148, "An act amendatory of and supplemental to an act to incorporate the Merchants' Mutual Insurance Company, approved September 18, 1866."

House bill No. 666, "An act to amend article thirteen, chapter two, of the Penal Code, entitled 'of lotteries and raffles' and to prohibit all gift enterprises, dollar stores, sale of pictures, and chances of all other kinds, of dealing



in chances and lotteries, and to define and punish the same."

House bill No. 217, "An act to incorporate the Trustees of the Hempstead Baptist Church, in the town of Hempstead, Austin county, Texas."

House bill No. 247, "An act to incorporate the San Antonio River Valley Canal Company, and grant land in aid of the construction of the same."

House bill No. 216, "An act to amend an act incorporating the Trustees of Baylor University, passed by the Congress of the Republic of Texas, February 1, 1846."

House bill No. 411, "An act to create the county of Walker."

House bill No. 310, "An act to incorporate the city of San Antonio."

And had passed Senate bill No. 190, "An act to incorporate the City Bank of Sherman."

And had adopted the following concurrent resolution:

*Resolved, by the House of Representatives, the Senate concurring,* That a joint committee of three from the House and two from the Senate be appointed to take into consideration the propriety of a general election during the present year, and report by bill or otherwise at as early a day as practicable, and had appointed Messrs. Ireland, Shelton and Armstrong on said committee.

Unfinished business. "Senate joint resolution No. 29, to appoint commissioners to examine and report the most eligible site for the permanent establishment of the Agricultural College of Texas."

On motion of Senator Tendick the resolution was postponed until the twenty-first of April next, and made special order for 11 o'clock that day.

House bill No. 236, "An act to repeal an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870, and to repeal an act to amend an act to establish a State police, and provide for the regulation of the same, approved May 2, 1871," read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Dohoney, Evans, Finlay, Flanagan, Henry, King, Latimer, Rawson, Sayers, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Ford, Fountain, Gaines, Hall, Ruby and Tendick—6.

When Senator Tracy's name was called he stated that



he would vote against the passage of the bill but for the fact of being paired off with Senator Pyle. Senator Dilard would have voted for the bill but was paired off.

The President announced Senators Shelley, Tendick and Finlay a special committee on the communication of the Governor relative to the Atlanta, Ga., Convention.

House bill No. 53, "An act relating to appeals to the Supreme Court from interlocutory judgments in the district courts," with report from Judiciary Committee No. 1, recommending that the bill do not pass, was taken up and report of committee rejected; bill read third time and passed.

House bill No. 238, "An act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range," read second time.

Senator Finlay moved to recommit the bill to Judiciary Committee No. 2.

The hour having arrived, the Senate went into committee of the whole on the school bill.

Senator Flanagan in the chair.

The committee arose, reported sundry amendments to the bill, and asked leave to be discharged from a further consideration of the bill. The report was received and the committee discharged from a further consideration of the bill.

Senator Dohoney moved to take the bill up section by section. Lost.

On motion of Senator Flanagan, the amendments recommended by the committee of the whole were taken up and considered separately.

First amendment, section two, line five, fill the blank with "50,000." Adopted.

In section six, line eight, each of the pending was stricken out and the words "the current" inserted.

Same section, line thirty-eight, the word "every" was stricken out and the word "the" inserted.

Section eight, line thirteen, strike out the word "heretofore." Adopted.

Senator Dohoney offered the following amendment:

Section thirteen add the following: "And the county board of directors now acting in the several counties shall perform the duties of the county board of directors provided for in this section until the first general election; and when such school directors have resigned, or de



clined to serve, the county court shall appoint their successors until the next general election, one to reside in each magistrate's precinct, as required by this act."

Adopted.

Amend section thirteen, line nine, by inserting after the word "director," the following, viz.: "and should a vacancy occur in said board of directors, it may be filled by election." Adopted.

Section twenty, line one, fill the blank as follows: "first Tuesday of September." Adopted.

Section twenty-two, line seventeen, insert after the word "for" the words "at least." Adopted.

Section twenty-two, line twenty, amend by inserting after the word "shall" the words "in any district."

Adopted.

Section twenty-five, line nine, strike out all after the word "States" to end of section. Adopted.

Section twenty-five, line seven, amend by inserting after the word "penmanship" the word "arithmetic." Lost.

At the end of section twenty-five, add the following: "and no person shall be employed as a teacher in the public schools who indulges in intoxicating liquors as a beverage." Lost.

Section ten, lines four and five, strike out "3000" and insert "3100."

Senator Finlay moved to lay the amendment on the table.

On motion of Senator Tracy, a call of the Senate was ordered.

Absentees—Senators Baker, Broughton, Pyle, Ruby and Randle.

Senator Swift moved to amend section ten, line ten, by striking out "\$1800," and inserting "\$1500." Lost.

Senator Ford proposed to amend section ten, line eight, by striking out "one," and inserting "three," and add to the section the following: "for the chief clerk, and \$1500 each for the other two."

The yeas and nays being called upon the adoption of the amendment, stood as follows:

Yeas—Senators Baker, Ford, Flanagan, Gaines, Hall, Rawson, Randle, Sayers, Tendick and Tracy—10.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Ruby, Shelley, Swift, Word and President—14.

The amendment was lost.



On motion of Senator Tracy, the call was suspended, and the question recurring on Senator Finlay's motion to table the amendment of the committee in reference to the salary of Superintendent of Public Instruction, the same was put, and the yeas and nays being demanded, the motion carried by the following vote :

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Rawson, Sayers, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Baker, Ford, Flanagan, Gaines, Hall, Randle, Ruby, Tendick and Tracy—9.

Senator Finlay moved to reconsider the vote adopting the committee's amendments to section ten, lines four and five.

The hour for consideration of bills of a private nature having arrived, on motion of Senator Finlay the same was postponed till Monday at 1 o'clock.

The question recurring on the motion to reconsider, the same was put and carried, and the section adopted as it stood.

Senator Ruby proposed to amend as follows : "Section —. The board of school directors of any school district may, at their option, make arrangements with any established public library in their district, to open the use of its collection of books, educational apparatus, scientific and art collections, free to teachers in the public schools, and on such terms for scholars as by the board may be found expedient, and to pay for the same a sum not exceeding five per cent. of the annual school tax collected in such district ; *provided*, that all such payments from the school fund shall be expended exclusively for books to be deposited in such public library for the use of readers." Lost.

Senator Hall offered the following amendment to section twenty-two, lines ten and eleven, strike out "white and colored population" and insert "children," and in lines twelve and thirteen, strike out all after the word "houses," in line twelve down to and including "school," in line thirteen, and insert "so that good order and perfect harmony may be maintained in the schools." Lost by the following vote :

Yeas—Senators Baker, Ford, Flanagan, Fountain, Gaines, Hall, Randle, Ruby, Sayers, Shelley and Tendick—11.



Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Rawson, Swift, Word and Mr. President—13.

Senator Tendick offered the following amendment: "*Provided*, nothing in this act shall be so construed as to prohibit instructions in the German, French or Spanish languages.

Adopted.

Senator Dohoney proposed to amend as follows: Add to section twenty-nine the following proviso: "*Provided*, that in the school districts where the public free schools have been taught for four months, during the present current scholastic year, that it shall be considered a compliance with the requirements of this act, and where such schools have already been so taught less time than four months, it shall be considered a compliance *pro tanto* with the requirements of this Act." Adopted by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Evans, Finlay, Hall, Henry, King, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—15.

Nays—Senators Baker, Ball, Ford, Gaines, Rawson, Randle and Ruby —7.

Senator Henry proposed to amend as follows: Add to the end of section twenty-seven, "*Provided*, that the board of trustees of any school district may adopt any private school established in their district, where the teachers of such school shall have obtained a certificate of competency, and shall conform to the general regulations of this act.

Adopted.

Senator Dohoney proposed to amend section twenty-nine, line two, by inserting after the word "four" the word "consecutive," and, further, by striking out all after the word "year," in line three, and inserting in lieu thereof the words "at such time as the school teachers of each school district may determine."

Adopted.

Senator Baker proposed to amend as follows: Amend section twenty-three, line two, by striking out after the word "tax," "and also a poll tax." Lost.

Senator Dohoney proposed to amend section thirty-four by striking the words "the sum of . . . . dollars," and in-



serting in lieu thereof the words "double the amount of the public school fund apportioned to the county."

Adopted.

Senator Ruby proposed to amend section thirty-four, line two, by filling the blank with "one-third of one per cent."

Senator Sayers proposed to fill the blank with "one per cent."

Senator Ford proposed to fill the blank with "four per cent." Lost.

Senator Flanagan proposed to amend by filling the blank with "two and one-half per cent." Lost.

Senator Sayers' amendment to fill the blank with "one per cent." was adopted.

Senator Ford proposed to amend section thirty-four, lines one and three, by striking out the words "county treasurer," and inserting "bankers in the counties of the State." Lost.

Senator Dohoney proposed to amend section thirty-six, line four, by inserting after the figures "187," the words, "and an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871." Adopted.

Senator Henry proposed to amend as follows: Make section thirty-seven read as follows: "That when in any school district the provisions of this law are impracticable, by reason of sparcity of population or danger from Indians, the amount to which any such district is entitled out of the general school fund shall remain in the State Treasury, to the credit of such district, until the increase of population or subsidence of such danger shall render it practicable to maintain public schools in such district; *provided*, that if, during the time of such suspension of the public schools in any district, any portion of the scholastic population thereof shall attend a private or public school, they shall be entitled, under the provisions of this act, to receive their *pro rata* portion of such fund; *and provided further*, that the provisions of section twenty-two of this act, requiring the board of directors to levy an *ad valorem* tax, shall not apply to such district while public schools are suspended therein from such cause."

Amend by making section thirty-seven read section thirty-eight.



Senator Shelley proposed to amend the amendment by striking out all after the line sixteen.

On motion of Senator Flanagan, the main question was ordered, and Senator Shelley's amendment was lost, Senator Henry's amendment adopted, and the bill ordered to be engrossed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Sayers, Shelley, Word and Mr. President—12.

Nays—Senators Baker, Ford, Flanagan, Gaines, Hall, Rawson, Ruby and Tracy—8.

Senator Fountain would have voted against the bill, but was paired off.

On motion of Senator Flanagan, the rule was suspended, bill read third time and passed.

The President then announced the House concurrent resolution to appoint a committee, three from the House and two from the Senate, to take into consideration the question of a general election this year.

On motion of Senator Dohoney, the resolution was amended by inserting three instead of two from the Senate, and as amended adopted.

The President announced Senators Dohoney, Henry and Fountain said committee.

The Senate then adjourned till 10 o'clock A. M. on Monday next.

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SENATE CHAMBER,  
AUSTIN, TEXAS, April 14, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Dr. Fisher.

On motion of Senator Avinger, the reading of the journal of Saturday was dispensed with.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I beg leave to report that I did, on Saturday at 11 o'clock A. M., present to his Excellency the Governor, for his approval and signature, Senate bill No. 178, "An act to incorporate the Texas Library and Publishing Company."